

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK-----X
CICEL (BEIJING) SCIENCE & TECHNOLOGY CO., LTD.,

Plaintiff,

ORDER

17-1642 (ADS) (ARL)

-against-

MISONIX, INC.,

Defendant.

-----X
LINDSAY, Magistrate Judge:

By order dated April 11, 2019, Judge Locke, who had previously been assigned to this matter, issued a ruling compelling the defendant, Misonix, Inc. (“Misonix”), to provide certain documents reflected on its privilege log to the Court for *in camera* review. The documents at issue had been withheld on the basis of the attorney client and work product privileges. On January 23, 2020, when the case was reassigned to the undersigned, the *in camera* review was still pending. Upon receipt of the two binders previously submitted for *in camera* review, the undersigned directed Misonix to identify the individuals whose names are referenced in the documents and their positions/affiliations with the corporate defendant. In addition, because several of the documents in the binders contained formatting errors, the Court directed Misonix to resubmit any documents appearing in a linear format in composition form.

The Court has now reviewed both volumes and sustains the privilege as to all documents with the exception of those listed on the table below. For ease of reference, the three digit number corresponds to the item number in the binders. The dates and times following the item number identify the emails that must be disclosed. Misonix may seek reconsideration of this determination on or before May 4, 2020, by identifying the document and basis for any continued objection. The plaintiff may respond to any request for reconsideration by May 8, 2020. Alternatively, on or before May 4, 2020, Misonix must make the documents available to the plaintiff for review.

Binder No.	Date	Time
022	5/23	10:55 a.m.
	5/22	10:08 p.m.
	5/24	3:24 p.m.
	5/21	7:25 p.m. (<i>redact cell number</i>)
	5/20	2:04 p.m.
023	5/23	11:38 a.m.
	5/22	10:08 p.m.

110	6/23 6/23 6/16	1:17 p.m. 11:37 a.m. 11:34 p.m.
111	6/28	7:29 p.m.
113	6/28 6/23 6/23	3:30 p.m. 1:17 p.m. 11:37 a.m.
131	6/30 6/29 6/30	2:45 p.m. 3:52 a.m. 10:45 a.m.
132	6/30 6/29	12:06 p.m. 3:52 a.m.
359	9/23	2:41 p.m.
386	9/27	4:40 p.m.
387	9/27	4:42 p.m.
388	9/27	4:47 p.m.
420	9/28 9/28	11:42 a.m. 7:41 a.m.
460	10/3 10/2	12:11 p.m. 8:17 p.m.
466	10/3	6:53 p.m.
467	10/3 10/3	8:29 p.m. 2:53 p.m.
469	10/4	1:55 p.m.
470	10/4 10/4	2:15 p.m. 6:55 a.m.
472	10/4 10/4	2:42 p.m. 10:16 a.m.

475	10/4	6:25 p.m.
489	10/5	1:58 p.m.
543	10/17	12:40 p.m. (<i>only second full paragraph as well as sender/recipient info</i>)
544	10/17	12:44 p.m.
547	10/17 10/17 10/16	1:26 p.m. (<i>redact first paragraph</i>) 8:40 a.m. (<i>redact first 5 sentences beginning with "Asia" and ending with "all"</i>) 10:06 p.m.
548	10/17	1:30 p.m.
551	10/17 10/17	5:40 p.m. 9:30 a.m.
552	10/18 10/17	10:45 a.m. 22:31
554	10/18 10/18 10/17 10/18	6:59 p.m. 8:30 a.m. 11:02 p.m. 10:28 a.m.
561	10/19 10/19	5:21 p.m. 12:59 p.m.
567	10/19	8:48 p.m.
577	10/20	8:51 p.m.
578	10/20 10/20	9:00 p.m. 4:51 p.m.
591	10/25 10/25 10/19 10/17 10/17	4:01 p.m. 8:21 a.m. 1:04 p.m. 5:43 p.m. 9:07 a.m.

592	10/25	4:53 p.m.
593	10/25 10/25 10/25	6:04 p.m. 12:54 p.m. 8:21 a.m.
615	4/8	12:09 p.m.
720	11/14	2:37 p.m.
721	11/14 11/14	2:48 p.m. 9:35 a.m.
722	11/14 11/14	2:49 p.m. 9:48 a.m.
724	11/14 10/20 10/20	3:02 p.m. 10:23 a.m. 10:12 a.m.
727	11/14 10/20 10/20 10/14 11/14	7:08 p.m. 10:23 a.m. 10:12 a.m. 9:48 a.m. 9:35 a.m.
728	11/15	1:34 p.m.
731	11/15	9:43 p.m.
733	11/16 11/15	4:34 a.m. 4:43 p.m.
735	11/16	8:41 a.m.
739	11/17	5:29 a.m.
742	11/17 11/17	12:02 p.m. 12:29 a.m.
754	11/17 10/16	10:45 p.m. 6:47 p.m.

763	11/19	12:19 p.m.
783	11/21	9:53 p.m.
961	2/1 2/1	10:19 p.m. 5:09 p.m.
962	2/2 2/1 2/1	6:28 a.m. 2:19 p.m. 5:09 p.m.
966	2/2	6:32 p.m.
968	2/4 2/4 2/3	3:45 p.m. 10:40 a.m. 9:07 p.m.
1030	2/15	9:36 p.m.
1031	2/15 2/15	9:42 p.m. 4:35 p.m.
1033	2/15	4:36 p.m.
1035	2/15	9:36 p.m.
1064	2/23	12:18 a.m.
1065	2/23	12:20 a.m.
1068	2/23 2/22	1:23 p.m. 7:20 p.m.
1068	2/23	9:59 p.m.
1108	3/21 3/21 3/21	4:47 p.m. 12:44 12:08 p.m.

With respect to the plaintiff's motion to compel filed in December, to the extent any issues remain unsolved following receipt of this ruling, the matters will be addressed, at the

parties' request, at an in-person conference once the Court resumes full operations.

Dated: Central Islip, New York
April 22, 2020

SO ORDERED:

_____/s_____
ARLENE R. LINDSAY
United States Magistrate Judge